

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

RITA G. ROBERTS,)	
)	
Plaintiff)	
)	
vs.)	No. CIV-06-1036-C
)	
MICHAEL J. ASTRUE,)	
Commissioner of the Social)	
Security Administration,)	
)	
Defendant)	

ORDER AFFIRMING REPORT AND RECOMMENDATION

This action for judicial review of the Commissioner's denial of disability insurance benefits and supplemental security income benefits was referred for initial proceedings to United States Magistrate Judge Valerie K. Couch consistent with 28 U.S.C. § 636(b)(1)(B). Judge Couch entered her Report and Recommendation on October 18, 2007, recommending that the decision of the Commissioner be affirmed. Plaintiff, through counsel, has timely filed an objection to this report, and the Court therefore considers the matter de novo.

In her thorough and well-reasoned Report and Recommendation, Judge Couch sets out the relevant facts and prevailing law, and no purpose would be served to repeat those here. In objection, plaintiff merely restates her initial argument for reversal of the decision of the Administrative Law Judge ("ALJ"). As noted by Judge Couch, the ALJ's rejection of Plaintiff's assertions of the severity of her limitations has not been challenged by Plaintiff,

and in light of that conclusion, Plaintiff's objections are without merit. Moreover, given the results of the consultative examination, there is nothing in the record to suggest the need to order additional tests to develop the record. See Hawkins v. Chater, 113 F.3d 1162, 1165 (10th Cir. 1997). Judge Couch has fairly stated the law and the facts, and reached the only appropriate conclusion possible under these facts and controlling law.

Accordingly, the Court adopts and affirms, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons stated therein, the decision of the Commissioner in this case is affirmed. A judgment will enter accordingly.

IT IS SO ORDERED this 14th day of January, 2008.


ROBIN J. CAUTHRON
United States District Judge